

Title 128 - Department of Environmental Quality

Chapter 13 - PERMIT APPLICATION

001 Any person who is required to have a permit (including new applicants and permittees with expiring permits) shall complete, sign, and submit an application to the Director in accordance with the conditions and requirements of this Chapter. Persons currently authorized with interim status shall apply for permits when required by the Director. Persons covered by permits by rule need not apply. Procedures for applications, issuance and administration of emergency permits are found in Chapter 12, 001.04B.

001.01 Procedures for application, issuance and administration of research, development and demonstration permits are found in Chapter 12, 001.04E.

001.02 Any person who intends to apply for a new commercial hazardous waste management facility permit must file a "Notice of Intent" form with the Director at least 180 days prior to making their application, in accordance with Neb. Rev. Stat. 81-1521.08, et seq.

002 When a facility or activity is owned by one person but is operated by another person, it is the operator's duty to obtain a permit, except that all owners must also sign the permit application.

003 The Director shall not issue a permit before receiving a complete application for a permit except for permits by rule, or emergency permits. An application for a permit is complete when the Director receives an application form and any supplemental information which are completed to his or her satisfaction. An application for a permit is complete notwithstanding the failure of the owner or operator to submit the exposure information in accordance with the conditions and requirements of Section 010 of this Chapter. The Director may deny a permit for the active life of a hazardous waste management facility or unit before receiving a complete application for a permit.

004 All applicants for permits shall provide information to the Director as set forth in Sections 005 through 014 of this Chapter, using the application form provided by the Director.

005 Owners and operators of existing hazardous waste management facilities and hazardous waste management facilities qualifying for interim status in accordance with Chapter 12, 003.01, are required to file permit applications in accordance with the conditions and requirements of 40 CFR 270.10(e), which are hereby adopted and incorporated herein by reference.

006 Owners and operators of new hazardous waste management facilities are required to file permit applications in accordance with 40 CFR 270.10(f), which are hereby adopted and incorporated herein by reference.

007 Permit applications shall be updated in accordance with the conditions and requirements of 40 CFR 270.10(g), which are hereby adopted and incorporated herein by reference.

008 Permit reapplications shall be submitted in accordance with the requirements of 40 CFR 270.10(h), which are hereby adopted and incorporated herein by reference.

009 Applicants shall keep records of all data used to complete permit applications and any supplemental

information submitted for a period of at least three years from the date the permit expires.

010 Exposure information.

010.01 Any Part B permit application submitted by an owner or operator of a facility that stores, treats, or disposes of hazardous waste must be accompanied by information, reasonably ascertainable by the owner or operator, on the potential for the public to be exposed to hazardous wastes or hazardous constituents through releases related to the regulated unit. At a minimum, such information must address:

010.01A Reasonably foreseeable potential releases from both normal operations and accidents at the regulated unit, including releases associated with transportation to or from the regulated unit;

010.01B The potential pathways of human exposure to hazardous wastes or constituents resulting from the releases described under Section 010.01A of this Chapter; and

010.01C A health-based risk assessment addressing the potential magnitude and nature of the human exposure resulting from such releases.

010.01D Any additional information as required by the Director.

010.02 If required by the Director, any Part B permit application submitted by an owner or operator of a facility for a post closure permit must be accompanied by information, reasonably ascertainable by the owner or operator, on the potential for the public to be exposed to hazardous wastes or hazardous constituents through releases related to the unit. At a minimum, such information must address the requirements of 010.01A through 010.01D of this chapter.

010.03 The Director may require a permittee or an applicant to submit additional information in order to establish permit conditions under Chapter 14.

011 Signatures.

011.01 All permit applications shall be signed in accordance with the conditions and requirements of 40 CFR 270.11(a), which are hereby adopted and incorporated herein by reference.

011.02 All reports required by permits and other information requested by the Director shall be signed in accordance with the conditions and requirements of 40 CFR 270.11(b) and (c), which are hereby adopted and incorporated herein by reference.

011.03 Any person signing a document under this Section must make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision according to a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are

significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

011.04 For remedial action plans (RAPs) under Chapter 12, Section 004 of this Title, if the operator certifies according to 011.03 of this Section, then the owner may choose to make the following certification instead of the certification in 011.03 of this Section:

"Based on my knowledge of the conditions of the property described in the RAP and my inquiry of the person or persons who manage the system referenced in the operator's certification, or those persons directly responsible for gathering the information, the information submitted is, upon information and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

012 Contents of the permit application.

012.01 Part A of the hazardous waste permit application shall be submitted in accordance with the conditions and requirements of 40 CFR 270.13, which are hereby adopted and incorporated herein by reference.

012.02 Part B of the hazardous waste permit application shall be submitted in accordance with the conditions and requirements of 40 CFR 270.14, which are hereby adopted and incorporated herein by reference.

012.02A For post-closure permits, the owner or operator is required to submit only the information specified in 40 CFR 270.14(b)(1), (4), (5), (6), (11), (13), (14), (16), (18) and (19), (c), and (d), as incorporated by reference in Section 012.02, unless the Director determines that additional information from 40 CFR 270.14, as incorporated by Section 012.02, or from 40 CFR 270.16, 270.17, 270.18, 270.20, or 270.21, as incorporated by reference in Section 012.04, is necessary.

012.03 Applications for new hazardous waste land disposal areas and surface impoundments shall include engineering plans and specifications prepared under the direction of and stamped by a professional engineer licensed to practice in Nebraska; and

012.04 Specific information must be submitted for certain types of hazardous waste facilities that are used for storage, treatment or disposal. A description of the specific information required is given in 40 CFR 270.15 through 270.27, which are hereby adopted and incorporated by reference herein.

012.05 All permit applications for hazardous waste treatment, storage, and disposal facilities shall include certification by the State Fire Marshal as to fire prevention and fire safety.

013 Additional information requests. No permit application submitted to the Department will be processed until all information necessary to complete the application or additional information as requested by the Department has been received.

014 If an applicant fails or refuses to correct deficiencies in the application, the permit may be denied.

015 The effective date of an application is the date on which the Director notifies the applicant that the

application is complete.

Enabling Legislation: Neb. Rev. Stat. §81-1505(13), and 81-1521.08

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